

NRaDINST 4205.1B  
D214/MP  
08 Oct 96

NRaD INSTRUCTION 4205.1B

From: Commanding Officer, Naval Command, Control and Ocean Surveillance Center  
RDT&E Division

To: Distribution

Subj: CONTRACTING OFFICER'S REPRESENTATIVE (COR)

Ref: (a) SPAWARINST 4200.26A  
(b) SECNAVINST 4205.5  
(c) SECNAVINST 4200.31C

Encl: (1) Sample COR Nomination Memorandum  
(2) Sample COR Designation Letter  
(3) Sample of COR file documentation

1. Purpose. To provide guidance on the use of a COR and the associated duties, responsibilities, limitations, and relationship to the contracting officer in accordance with references (a) and (b).

2. Cancellation. NRaDINST 4205.1A dated 3 October 1994 is hereby canceled.

3. Definition. The Contracting Officer's Representative (COR), who is a government employee, is a technically qualified, properly trained individual, designated in writing by the Procuring Contracting Officer (PCO) to assist in the technical monitoring or administration of a contract and/or orders under a contract regarding contract specifications and statements of work.

4. Policy.

a. If the PCO determines that a need exists, a COR shall be designated for a contract when:

(1) the Government must clarify, define, or give direction on a contract's specifications or statement of work;

(2) task or delivery orders are to be issued against a cost-reimbursement (time and material, labor-hour, or cost plus fee) indefinite delivery type contract;

(3) the contract or task/delivery order falls under the definition of Consulting Services (CS) in accordance with reference (c).

b. Only persons technically qualified and properly trained will be designated, and only designated persons will perform COR duties. Only one COR will be designated to monitor a contract; however, (1) additional CORs may be designated to monitor different task or delivery orders placed on the same contract, and (2) the PCO may also designate an Acting COR to perform the COR functions when the COR is unavailable to perform his/her duties. Any person designated as an Acting COR must possess the COR qualifications.

c. Under no circumstances are the functions designated for performance by the COR to be performed by a non-government employee nor shall any non-government employee assist the COR in the execution of any of his/her duties.

#### 5. COR Qualifications.

a. Technical. The COR must possess the technical skills required to monitor and administer the assigned contract.

b. Training. To be eligible for designation as a COR, all nominees are required to have received a Space and Naval Warfare Systems Command (SPAWAR) approved course that offers training in contract management and specific problem areas including conflict of interest, standards of conduct, constructive changes, personal versus non-personal services, unauthorized commitments, the difference between cost reimbursement and fixed price contracts, and competitive acquisition. In addition, the basic COR training shall be supplemented by a one day SPAWAR approved refresher course, which must be taken once every three years. SPAWAR approved COR courses will be scheduled and announced by the Naval Command, Control and Ocean Surveillance Center(NCCOSC)training office. It is the responsibility of the COR to ensure that required training is taken.

#### 6. Procedures.

a. COR Nomination. A COR must be nominated by their Department Head, or when the requiring activity is other than NCCOSC Research, Development, Test, and Evaluation Division (RDTE DIV) by their Commanding Officer or designee. Enclosure (1) provides for a sample of a nomination memorandum which must be provided to the PCO and include:

(1) an outline of the nominee's technical qualifications and experience reflecting a familiarity with the particular technical requirements of the Procurement Request (PR);

(2) the technical functions the nominee will perform. Any changes in these proposed duties must be discussed and agreed to by both the technical code and the PCO before the PCO issues the designation letter;

(3) the date nominee completed the approved COR training and/or refresher training;

(4) a statement that the nominee's performance rating criteria include the COR function. If the COR function is not among the performance criteria, the nomination memorandum must explain why it is not.

b. COR Designation. Upon receipt of the nomination memorandum, the PCO will determine if the nominee is appropriately qualified, in accordance with paragraph 5 herein, to be designated a COR under a specific contract. If the nominee is not determined qualified, then the Department Head is to designate an individual more suitable for the action. If the nominee is determined qualified, the PCO will forward the nomination memorandum acknowledging concurrence to Code D21S. Code D21S will prepare the designation letter and forward to the PCO for review and approval. A sample COR designation letter is provided in enclosure (2). Only the PCO may appoint a COR, and any designation shall be in writing, and shall specify all duties for which the COR is responsible. If appropriate, a similar letter shall be prepared to designate an Acting COR.

c. COR Monitoring. The NCCOSC training office will provide Code D21S with the names of individuals and dates upon completion of the appropriate COR training and refresher training courses. Code D21S will maintain a list of all COR's that have received the appropriate training, and any contracts to which they have been appointed.

d. Monitoring the Contract.

(1) The PCO shall include in each contract and/or order, to which a COR is assigned, a requirement that the contractor send a monthly report, with the following information, to the PCO and COR:

- (a) the number of hours expended;
- (b) the total costs incurred;
- (c) the hourly rates incurred;
- (d) the accomplishments to date;
- (e) the status of contract deliverables, including data.

(2) The recommended way to get the contractor to provide this report is to include it in the Contract Data Requirements List, DD Form 1423, under the contract. Candidate Data Item Descriptions are those used to provide monthly progress and status information such as: DI-MGMT-80368 or DI-MGMT-80227.

#### 7. Duties and Responsibilities.

##### a. Department Heads or their designees shall:

(1) Nominate a COR to monitor pertinent proposed contracts. The nomination shall be made to the PCO in writing, and shall include an acknowledgment by the nominee: (a) of familiarity with the particular technical requirements of the PR; (b) of attendance at and completion of the applicable COR training and the date of completion; and (c) of acceptance of the nomination.

(2) Provide timely notice to the cognizant PCO of the need to replace a designated COR and nominate a qualified successor COR.

##### b. Procuring Contracting Officers (PCOs), upon receipt of a COR nomination, will:

(1) Review the nomination to ensure that formal COR training (and appropriate refresher training) has been successfully completed by the nominee;

(2) Prepare and issue a COR designation letter using enclosure (2) for content and format, including the extent and method of contract monitoring appropriate to the particular contractual effort, and establish a feedback procedure to ensure that the PCO is informed of significant contract events;

(3) Provide a copy of the fully executed COR designation letter to the contractor, the cognizant contract administration office, and the COR's supervisor. A copy of the designation letter may be included as an attachment to the contract;

(4) Incorporate the clause at DFARS 252.201-7000, Contracting Officer's Representative;

(5) Provide a copy of the contract to the COR;

(6) Provide additional guidance to the COR as needed;

(7) Review the administration and performance of the COR on an annual basis, or more often if determined to be necessary, and include the documented results of the review in the contract file. The purposes of the review are to go over the Contractor's performance; solve any problems which may have arisen under the contract; and ensure that COR functions are consistently applied;

(8) Require the nominating code to recommend a replacement if, in the PCO's opinion, an assigned COR is not properly monitoring a contract.

c. The Contracting Officer's Representative (COR) shall:

(1) Acknowledge/accept the COR nomination memorandum;

(2) Complete acknowledgment/acceptance portion of the COR designation letter, and sign and return the original to the PCO;

(3) Maintain currency of training through attendance at mandatory refresher training sessions and provide documentation of such currency to the PCO;

(4) Perform technical liaison and oversight in accordance with the duties and responsibilities assigned under a current "COR Designation Letter" (see enclosure [3]) issued by the PCO;

(5) Maintain a file for the assigned contract , which includes a copy of the COR's nomination and designation letters. (See enclosure (3) for a sampling of documentation to be maintained.

NRaDINST 4205.1B  
08 Oct 96

(6) Provide a comprehensive contractor performance report at completion of the contract, or on an annual basis, as requested by the Contracts Office, for utilization in assessment of past performance on future acquisitions; and

(7) Ensure the following items do not occur:

(a) Requiring the contractor to provide personal services for the requiring organization or for the COR;

(b) Make any commitments or changes to the intent or substance of an order or contract that affect price, quality, quantity, delivery, or other terms and conditions;

(c) Interfere with the contractor's dealings with organized labor or the contractor's personnel practices;

(d) Perform functions at a contractor's location that have been delegated to a contract administration office;

(e) Redefine COR authority or responsibilities.

8. Directive Responsibility. The Contracts Policy Office, Code D214, is responsible for keeping this instruction current.

/s/

Distribution:

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NRADINST 4205.1B  
08 Oct 96

SAMPLE COR NOMINATION LETTER

From: Department or Staff Officer, Head or Designee  
To: PCO  
Via: Nominee

Subj: NOMINATION OF CONTRACTING OFFICER'S REPRESENTATIVE

Ref: (a) NRaDINST 4205.1B, Contracting Officer's Representative (COR)

1. Pursuant to reference (a), I hereby nominate Mr./Ms. \_\_\_\_\_ to serve as the Contracting Officer's Representative (COR) for the contract resulting from requisition number \_\_\_\_\_ to acquire \_\_\_\_\_ supplies/services in support of \_\_\_\_\_.

2. Mr./Ms. \_\_\_\_\_ qualifications are: \_\_\_\_\_.

3. Mr./Ms. \_\_\_\_\_ title, code, business address, and phone number are: \_\_\_\_\_.

4. In case of any problems, disagreements, or other questions pertaining to the COR's performance of duties you may contact \_\_\_\_\_.

5. Mr./Ms. \_\_\_\_\_ has/has not completed approved COR training. He/she attended/is scheduled to attend the COR Course in    (month, year)   . (If Basic COR training, has been over three years, include date refresher training was completed).

6. The individual performance rating elements of Mr./Ms. \_\_\_\_\_ include/do not include the COR function (if not, why not).

7. I recommend that the COR be assigned the following duties (Note to preparer: Omit any that are not appropriate and add any that are appropriate but are not included):

a. Control all Government technical interface with the contractor;

b. Ensure that a copy of all Government technical correspondence is forwarded to the contracting officer (ordering officer) for placement in the contract (delivery order) file;

Enclosure (1)

NRaDINST 4205.1B  
08 Oct 96

c. Promptly furnish documentation on any requests for change, deviation, or waiver, whether generated by the Government or the contractor, to the contracting officer (and ordering officer) for their action;

d. Determine causes when the contract is not progressing as expected and make recommendations to the contracting officer for corrective action;

e. Monitor contractor performance to ensure individual contractor employees are of the skill levels required and are actually performing at the levels charged against the contract during the performance period;

f. Monitor contractor performance to insure that the labor hours charged against the contract are consistent and reasonable for the effort completed and that any travel charged was necessary and actually occurred. Submit contractor invoice/review form to the Contracting Officer;

g. Monitor Government Furnished Property. Ensure that property provided the contractor is authorized by the contract and that disposition is made when no longer required;

h. Provide requested reports on assessment of the Contractor's performance.

8. Any changes to these recommended duties must be discussed and agreed to by both the Technical Code and Contracting Officer prior to issuing the appointment letter.

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Signature of Nominating Office



NRADINST 4205.1B  
08 Oct 96

SAMPLE COR DESIGNATION LETTER

SSIC  
Ser number

From: Contracting Officer  
To: Contracting Officer's Representative

Subj: CONTRACTING OFFICER'S REPRESENTATIVE (COR) DESIGNATION

Ref: (a) NRaDINST 4205.1B, Contracting Officer's Representative  
(b) SPAWARINST 4200.26A, Section 6.2.4  
(c) SECNAVINST 4200.31C, Acquiring and Managing Consulting Services  
(d) SECNAVINST 4205.5, Contracting Officer's Technical Representative (COTR)  
(e) DoD 5500.7-R, Joint Ethics Regulation (JER)

Encl: (1) Contractor Invoice Review Form

1. Pursuant to reference (a), you are hereby designated as the contracting officer's representative (COR) for:

Contract Number:  
Contractor:

As such, you are authorized to furnish and are responsible for furnishing information of a technical nature to the contractor and to monitor contract performance so as to assure compliance with the terms and conditions of the applicable contract or order. You will perform your duties in accordance with reference (a) and any amplifying instructions provided herein or provided in writing by the contracting officer at a later date.

2. Because your duties will require close surveillance of the contractor, you must use extreme care to avoid supervising the contractor's employees. You must not interfere with the manner by which the contractor assigns work or with the contractor's relation(s) with organized labor. It is of utmost importance that your relations with the contractor be entirely above reproach. You are to review the latest versions of references (b) through (e) and keep them in mind throughout the

Enclosure (2)

08 Oct 96

term of this designation. A copy of the contract will be provided to you under separate cover. You shall read it and become familiar with its contents. A copy of the current versions of references (a) through (e) may be obtained by contacting your procuring contracting officer in the Contracts Division.

3. You may not issue task or delivery orders or act in any manner which may be construed by the contractor to change an order or the contract. If the contractor suggests or indicates that your action or words imply such a change, you must promptly advise the contractor to the contrary and inform the cognizant contracting officer of the circumstances. The duties and responsibilities associated with the appointment cannot be redelegated by you. This means that you may not redelegate your duties to other government employees or to contractor employees.

4. You should prepare Memoranda for the Record of all meetings, trips, and telephone conversations relating to the contract. Each record and all correspondence relating to the contract shall cite the contract number, and a copy of all records and other correspondence shall be furnished to the contracting officer. Extreme care must be given to restrictions regarding proprietary data as well as classified and business sensitive information.

5. Your responsibilities as COR arise through the provisions of the contract identified in paragraph 1. Your specific duties are as follows:

- a. Work cooperatively with all members of the acquisition team;
- b. Assist in negotiations when requested, providing appropriate comments and recommendations;
- c. Continuously assess contractor work performance as well as review and comment on contractor reports that concern the contractor's progress and inform the contracts office of any concerns or inconsistencies noted;
- d. Review contractor invoices to ensure that proper labor categories are charged and travel and other items appear consistent with performance (the contractor will provide you with any supporting documents you request) and that charges are reasonable for the work performed, and complete and submit an invoice review form similar to enclosure (1) to this letter;
- e. Accept services or deliverables when completed, unless otherwise specified in the contract or order and certify when all deliverables have been accepted by the government;

f. Promptly notify the contracting officer of:

Enclosure (2)

- (1) Any violation of, or deviation from, the requirements of the contract/order;
  - (2) Inefficient or wasteful methods in use by the contractor, including the contractor exceeding the requirements of the order or contract;
  - (3) Needed changes to the contract from either the contractor or the government, along with the proper documentation for effecting the changes;
  - (4) Issues that require clarification or resolution;
  - (5) Any performance failure by the contractor;
  - (6) Anticipated delays in completion of the contract according to schedule, including recommendations for remedial action;
  - (7) Indications that the cost to the government for completion of performance under the contract will exceed the amount specified in the contract;
  - (8) Conditions that will require the designation of a COR to replace you; or
  - (9) Improper use of government material or equipment.
- g. Review engineering studies and design or value engineering change proposals submitted by the contractor to determine their feasibility;
- h. Review and comment on requests for government-furnished facilities, supplies, materials, and equipment, and forward any such request to the contracting officer for disposition;
- i. Issue technical direction in accordance with the appropriate contract clause; and
- j. Provide not later than 30 days after physical completion or the anniversary date of the contract award (and each anniversary thereafter) a written assessment of the contractor's performance of the contract. This assessment will serve as a key component of a Contractor Performance History Record that each contracting activity is required to maintain on all contracts over \$100,000 in value.
6. If specific situations arise that you think require contractual attention, communicate them to the contracting officer immediately.

NRaDINST 4205.1B  
08 Oct 96

7. In connection with the performance of the above duties, you are NOT authorized to negotiate terms or make any agreements or commitments with the contractor which will serve to modify the terms and conditions of the contract. Should you act outside the scope of your authority as delineated herein, you may be held personally liable for such unauthorized acts.

Signature of PCO  
NCCOSC RDTE DIV

COR Acknowledgment/Acceptance

I have read and understand references (a) through (e).  
I understand my technical duties and limitations as assigned by this appointment.  
I accept the appointment as COR for this requirement.

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(Sign and date; retain a copy and return the original to the PCO)

Copy to:  
(COR's supervisor) (w/o certificates)  
(Contractor) (w/o certificates)  
(Contract Administration Office) (w/o certificates)

NRaDINST 4205.1B  
06 Oct 96

CONTRACTOR INVOICE REVIEW

Date:

From: (Applicable COR)  
To: (Code D214D)

Subj: INVOICE REVIEW, CONTRACT NUMBER \_\_\_\_\_  
TASK/DELIVERY ORDER \_\_\_\_\_

Ref: (a) Invoice Number \_\_\_\_\_

Check Appropriate Box:

☐

1. Reference (a) submitted under the subject contract (task/delivery order) has been reviewed and the labor hours, material (if any), and travel identified therein appear consistent and reasonable for the effort performed during this billing period.

☐

2. Reference (a) submitted under the subject contract (task/delivery order) has been reviewed and the following discrepancies/deficiencies are noted:

\_\_\_\_\_  
Contracting Officer's Representative  
(Signature and Date)

Attachment A  
Enclosure (2)

COR FILE DOCUMENTATION

A complete COR file should contain the following documentation:

1. A duplicate copy of the COR nomination and appointment letters.
2. Documentation supporting completion of COR training.
3. A copy of the procurement request(s).
4. A copy of the Contractor's technical proposal.
5. A copy of the contract (w/attachments) and all modifications.
6. A copy of all correspondence with the contractor, contracting officer and/or ordering officer, and other Government officials involved in the contract and/or task/delivery order.
7. A record of all Government Furnished Property, the date provided to the contractor, and the condition of the property when provided.
8. Copies of the minutes and list of attendees for each contract related meeting.
9. Copies of test reports (if applicable).
10. Copies of all contractor performance reports, and descriptions of contractor performance or provisional deficiencies and steps taken to correct them.
11. A system of documenting all labor hours, costs, travel dollars authorized and expended.
12. Copies of all invoices and receipt documents processed from the contractor.
13. Copies of all receipt and acceptance documents processed.
14. Record of overall contractor performance evaluation at the end of the contract or order.
15. Letter terminating COR appointment (if applicable).
16. Any other supporting documentation.

Enclosure (3)